

REMARKS

Claims 1-17, 41 and 42 are pending in the Application. In the Office Action, the Examiner alleges that the Applicants' reply/request for continued examination filed on March 24, 2006 is not fully responsive to the January 25, 2006 office action, because in the Examiner's view the "disposable tube" claim language has not been fully explained nor demonstrated to be supported by the specification. (Office Action, p. 2). For the reasons set forth below, the Applicants respectfully disagree with this allegation and submit that the objection to the previous reply for not being fully responsive should be withdrawn.

Applicants respectfully submit that the claim language "disposable tube" cannot serve as a basis for determining that the Applicants' March 24th reply is not fully responsive. It is not clear how the Examiner can say that the use of the term "disposable tube" can render a response "not fully responsive" when the term "disposable tube" is original claim language that has always been a part of independent claims 1, 41, and 42 and that has never been objected to in any other previous office action. To be fully responsive:

The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. 37 C.F.R. §1.111(b).

Applicants respectfully submit that its March 24th reply fully complies with the requirements of 37 C.F.R. §1.111(b). In the March 24th reply, the Applicants canceled claims 18-40, as requested, amended claims 1-7 and 41-42 to clarify the position of the claimed "at least one pinch valve"

and then proceeded to address each of the Examiner's rejections of the claims under 35 U.S.C. §103(a). In the March 24th reply, the Applicants discussed the patentable differences between the claimed invention and each of the cited references by specifically pointing out what was not disclosed, taught or suggested by the cited references. The Examiner did not include any other objections or rejections to address.

The January 25th office action did not contain an objection to or rejection of the claim language "disposable tube", even though this term was included in the claims reviewed by the Examiner prior to the issuance of the January 25th office action. Accordingly, there was nothing for the Applicants to respond to relating to the "disposable tube" claim language and it cannot be said that the March 24th reply was non-responsive. The only amendment made regarding the term "disposable tube" was to add additional language to make the claims more readable. The amendments did not add the term "disposable tube". Rather, the term "disposable tube" has always been included in the claims and has never been objected to or rejected on any grounds. For these reasons alone, Applicants respectfully submit that the Examiner's conclusion of the March 24th response not being fully responsive is improper and should be withdrawn because the March 24th reply responded to each of the grounds of objection and rejection contained in the January 25th office action.

Applicants also respectfully submit that the term "disposable tube" is supported by the specification as originally filed. For example, the specification states:

In this embodiment, each of the valves, 18, 20, 22, and 24 comprises a two-position, pinch valve with a first and second position that can each open and close. The first and second positions of each of the valves are orifices that

receive *disposable tubing*. The orifices may be slots or other structures that make it easy to place the *tubing* in each valve with dismantling the fluid subsystem. (p. 8, ll. 8-12).

Further, it will be appreciated by one skilled in the art that any type of connector can be used with the present invention, so long as the connectors in this embodiment have three receiving positions that can receive one of the *tubes* described above or on of the first, second and third syringes. Moreover, while the terms "inlet" and "outlet" are used herein to describe the *tubing* of fluid subsystem 26, such terms are not intended to be limiting as to the direction of fluid therethrough. (p. 10, ll. 15-21).

The fluid reservoirs and syringes are connected together into a single fluid subsystem by means of sterile, *disposable plastic tubing*, tee connectors and y-connectors. Accordingly, fluid remains in the syringes, *sterile tubing* and fluid reservoirs and does not exit the fluid subsystem or contaminate other components, such as the valves that control the flow of fluid. Further, the syringes, *sterile tubing* and sterile reservoirs are immediately accessible by the user and can be replaced with ease. (p. 20, ll. 22-23; p. 21, ll. 1-8).

Thus, these embodiments of the present can be programmed to deliver a desired volume of fluid from one or multiple syringes into a single catheter without that fluid being exposed to any component which is not part of either the *disposable tubing*, tee connectors, y-connectors or syringes that comprise the fluid system. (p. 21, ll. 17-20).


As used in the Application, the terms "disposable tubing" or "disposable tube" refer to tubes that can pass through a pinch valve, keep the pinch valve isolated from contamination, can be closed off by the pinch valve to prevent fluid from passing through the tube without contaminating the pinch valve, and can be easily replaced. A common example of such tubes is soft plastic tubes, but it is understood by one skilled in the art that disposable tubes can be made of any number of materials and are not limited to just plastic tubes. For the reasons set forth above, Applicants respectfully submit that the term "disposable tube" is supported by the originally filed specification and the Application meets all of the requirements of 35 U.S.C. §112.

Commissioner of Patents
Serial No. 10/612,484
Response Date July 31, 2006
Reply to Office Action dated June 29, 2006
Page 5

For these reasons, it is respectfully submitted that the objection to the March 24th reply for being non-responsive should be withdraw. Moreover, for the reasons set forth in the March 24th reply, it is respectfully submitted that the Applicants have made a patentable contribution to the art. Accordingly, favorable reconsideration and allowance of this Application is respectfully requested. In the event the Applicants have inadvertently overlooked the need for an extension of time or payment of an additional fee, the Applicants conditionally petition therefor, and authorize any fee deficiency to be charged to deposit account 09-0007.

Sincerely,

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